



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,916	02/13/2001	Dan Kikinis	004688.P019	3196

7590 07/02/2003
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025-1026

EXAMINER

JANKUS, ALMIS R

ART UNIT	PAPER NUMBER
----------	--------------

2671

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,916

Applicant(s)

KIKINIS, DAN

Examiner

Almis R Jankus

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-24 are presented for examination.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosser et al. (U.S. Patent 5,264,933) in view of Rosser (U.S. Patent 6,446,261).

Rosser et al. rendered obvious claim 1 by teaching the claimed receiving the 2-D video broadcast, wherein the 2-D video broadcast comprises a 2-D advertisement containing a 2-D image, and one or more 3-D shapes of text; generating a 3-D highlighted image from the 2-D image; applying the 3-D shapes of text to the 3-D highlighted image to generate a localized 3-D highlighted image, at the abstract and at column 8 lines 37-43 and lines 52-58. The 2-D image corresponds to the selected portions of the video where the advertising indicia will be inserted; the 3-D shapes of

text correspond to the logo; the 3-D highlighted image corresponds to setting, for example, a key color so the logo can key over specific colors or ranges of colors.

Rosser teaches the claimed displaying the localized 3-D highlighted image to a specific viewer, at the abstract; the specific viewer having the specific viewing profile.

It would have been obvious to one of ordinary skill in the art at the time of the instant claimed invention to combine Rosser and Rosser et al. because Rosser includes Rosser et al. by reference.

Claim 2 further requires using the 3-D shapes of text as a template; and cutting the 3-D highlighted image around the template. Rosser et al. teaches this at column 8 line 59 to column 9 line 24.

Claim 3 further requires displaying a color to contrast the 3-D highlighted image. Rosser et al. teaches this at column 8 lines 52-58.

Claims 4 and 5 further require embossing and raising the 3-D shapes of text respectively. Rosser et al. teaches providing a display which appears as if the inserted image was actually painted on the court, at the abstract. "Painted on" implies a raising effect, which also includes embossing.

Claim 6 further requires selecting a specific 3-D shapes of text for the specific viewer. Rosser teaches this at the abstract.

Claims 7-12 are similar to claims 1-6 respectively, but further require a system. Rosser teaches this at figure 1.

Claims 13-18 are similar to claims 1-6 respectively, but further require a computer readable medium having stored thereon a plurality of instructions. Rosser teaches this at column 10 line 52 to column 11 line 39.

Claims 19-24 are similar to claims 1-6 respectively, but further require a set top box. Rosser teaches this at the abstract.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almis R Jankus whose telephone number is 703-305-9795. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 703-305-9798. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

Application/Control Number: 09/782,916


Page 5

Art Unit: 2671

308-6606 for regular communications and 703-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

AJ
June 30, 2003



ALMIS R. JANKUS
PRIMARY EXAMINER